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PATENT  
Attorney Docket No.: NTK-005.01  
(21653-501)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**

In re Application of: Midgley et al.

JUL 31 2001

Serial No: 09/465,436

Technology Center 2100

Filed: December 16, 1999

Group Art Unit: 2771

Title: Systems and Methods For Backing Up Data  
Files

Examiner: To Be Assigned

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Commissioner for Patents  
Washington, D.C. 20231

**CERTIFICATE OF MAILING**

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Robert King

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 (b)(3)**

Sir:

Submitted herewith on Form PTO-1449 is a publication known to applicants and their Attorney/Agent in compliance with the requirements of 37 CFR 1.56. A copy of the listed document is being submitted herewith.

This Information Disclosure Statement is being submitted before the mailing date of the First Office Action on the merits; therefore, no fee is due.

Applicants respectfully request that the Examiner consider the cited document and indicate that it was considered by making appropriate notations on the attached Form 1449.

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that the listed document is material or constitutes

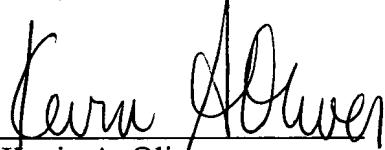
"prior art." If the Examiner applies the cited document as prior art against any claim in the application and Applicants determine that the cited document does not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account, **No. 06-1448**.

Respectfully submitted,

FOLEY, HOAG & ELIOT, LLP

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